



Entered on Docket  
December 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**RICK A. YARNALL**  
**CHAPTER 13 BANKRUPTCY TRUSTEE**  
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Las Vegas, NV 89101  
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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

**IN RE:**

**THOMAS L WITHERBY**  
**NIDA A WITHERBY**

**Debtors**

**Chapter 13**  
**BKS-09-21022-LBR**

**ORDER DISMISSING CASE FOR FAILURE TO**  
**MAKE PLAN PAYMENTS AND DENIAL OF**  
**CONFIRMATION**

Hearing Date: 11/12/2009  
Hearing Time: 1:30 PM

The Trustee's Opposition to Confirmation of Plan Combined with Trustee's Recommendation of Dismissal filed in the above-captioned matter having on for hearing, the following parties have appeared: [X] Trustee [ ] Debtors [ ] Attorney for Debtors [ ] Other , and said Motion having been considered by this Court, and good cause appearing therefore;

IT IS HEREBY ORDERED that confirmation of the Plan is denied and that the above-captioned proceedings under Chapter 13 be DISMISSED for the following reason(s):

- Delinquent Plan payments.

IT IS FURTHER ORDERED that the Trustee is allowed \$300.00 as and for expenses in the administration of this case.

DATED: 12/23/2009

Submitted by:

/s/ RICK A. YARNALL

Rick A. Yarnall

Chapter 13 Trustee

(clc)

**LR 9021 certification language:**

In accordance with LR 9021, counsel submitting this document certifies as follows (check one);

       The court has waived the requirement of approval under LR 9021.

  X   This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

None - no parties appeared

       This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

       I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

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